

REMARKS

Claim 2 has been amended. Claims 1 through 16 remain in the application.

Claim 1 through 16 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses this rejection.

An analysis of whether the claims are supported by an enabling disclosure requires a determination of whether that disclosure contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. The test for enablement is whether one skilled in the art could make and use the claimed invention from the disclosure coupled with information known in the art without undue experimentation. See United States v. Teletronics, Inc., 857 F.2d 778, 785, 8 U.S.P.Q.2d 1217, 1223 (Fed. Cir. 1988), cert. denied, 109 S.Ct. 1954 (1989); In re Stephens, 529 F.2d 1343, 1345, 188 USPQ 659, 661 (C.C.P.A. 1976).

In order to make a rejection, the Examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. See In re Wright, 999 F.2d 1557, 1561-62, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993)(Examiner must provide a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure).

Thus, the dispositive issue is whether Applicants' disclosure, considering the level of ordinary skill in the art as of the date of Applicants' application, would have enabled a person of such skill to make Applicants' invention without undue experimentation. The threshold step in resolving this issue as set forth supra is to determine whether the Examiner has met his burden

of proof by advancing acceptable reasoning inconsistent with enablement. This the Examiner has not done.

The Examiner relies on page 3, line 11, as support for his contention that the term “requirement” in the step of “selecting a vehicle program requirement from a library” of claim 1 is not adequately described. The Examiner relies on the wrong portion of the specification, that is, the Summary of the Invention. The term “requirement” is adequately described under the Description of the Preferred Embodiment(s) on page 14 of the specification. The specification clearly states, on page 14, line 13 through page 15, line 2, that:

In block 205, the user 126 determines specific program requirements related to the vehicle design 128 of the vehicle 10 and selects an information database for decision making purposes from an information portal displayed on the video terminal 124b. An example of a program requirement is information maintained within the knowledge-based library 112 regarding the type of vehicle 10 to be designed, such as passenger car or truck. Another example of a program requirement is anticipated production volume, or vehicle body style. Still another example of a program requirement is a warranty target. Advantageously, the user 126 may select a program requirement from an information portal screen displayed on the display terminal 124b containing a list of program requirements.

Based on the above, the specification adequately describes examples of vehicle program requirements. One skilled in the vehicle art would clearly have sufficient information regarding the subject matter of the claims as to enable one skilled in the vehicle art to make and use the claimed invention.

The Examiner relies on page 3, line 11, as support for his contention that the term “library” in the step of “selecting a vehicle program requirement from a library” of claim 1 is not adequately described. The Examiner relies on the wrong portion of the specification, that is, the Summary of the Invention. The term “library” is adequately described under the Description of

the Preferred Embodiment(s) on page 6 of the specification. The specification clearly states, on page 6, lines 3 through 20, that:

The tools 100 include a knowledge-based engineering library 112 stored on an electronic storage device (not shown) that is operatively connected to a computer system 122 to be described. The knowledge-based engineering library 112 is a database of sub-libraries containing an electronic representation of data including various experts' knowledge of information relevant to the design of a vehicle 10 to be described. The knowledge-based engineering library 112 may include information such as design, assembly and manufacturing rules and guidelines. The knowledge-based engineering library 112 may also contain data in electronic form regarding various types of vehicle subsystems. The knowledge-based engineering library 112 may further contain predetermined product assumptions regarding the vehicle 10 to be designed, such as model year, style, or production volume.

Based on the above, the specification adequately describes and that the information is maintained within the knowledge-based library. One skilled in the vehicle art could make and use the claimed invention from the specification coupled with information known in the art such as U.S. Patent Nos. 6,113,644 and 6,487,525, which describe knowledge-based libraries, without undue experimentation. These knowledge-based libraries are known in the art and therefore are enabled to allow one skilled in the vehicle art to make and use the claimed invention without having such rules described in the specification. The Examiner's expert systems examples are clearly misplaced and not applicable to the present invention.

The Examiner relies on a dictionary definition of the term "correlates" as support for his contention that the term "correlates" in the step of "determining if the information from the information database correlates with the program requirement" of claim 1 is not adequately described. The Examiner relies on the wrong portion of the specification, that is, page 16 of the specification. The specification clearly states, on page 15, lines 12 through 26, that:

In diamond 210, the methodology determines if the information from the information database correlates with the program requirements. For example, the information may be compared to the program requirements to determine if there is a change in a component part that would affect the use of the information in making an informed decision regarding the vehicle design 128. The information may also be compared to the program requirements to determine if there is a design or manufacturing process change that would affect the use of the information.

Based on the above, the specification adequately describes determining if the information from the information database correlates with the program requirement. The term “correlates” is performed by comparing the information to the program requirements. One skilled in the vehicle art would clearly have sufficient information regarding the subject matter of the claims as to enable one skilled in the vehicle art to make and use the claimed invention. The Examiner’s expert systems examples are clearly misplaced and not applicable to the present invention.

The Examiner contends that the phrase “using the information” in the step of “using the information from the information database in the design of the vehicle if the information from the information database correlates with the program requirement” of claim 1 is not adequately described. The specification clearly states, on page 16, lines 3 through 6, that:

In block 215, the methodology uses the information from the information database in making an informed decision regarding the design of the vehicle 10.

The specification also clearly states, on page 13, lines 20 through 22, that:

Examples of the type of information relevant to vehicle design 128 include warranty, product design data and manufacturing data.

Based on the above, the specification adequately describes using the information from the information database in the design of the vehicle if the information from the information database correlates with the program requirement. One skilled in the vehicle art could make and use the claimed invention from the specification coupled with information known in the art such as U.S. Patent Nos. 6,113,644 and 6,487,525, which describe how to use information in making an informed decision regarding the design of a vehicle system such as a climate control system, without undue experimentation. Using information in making an informed decision regarding the design of a vehicle is known in the art and therefore is enabled to allow one skilled in the vehicle art to make and use the claimed invention without having to describe such use in the specification. The Examiner's expert systems examples are clearly misplaced and not applicable to the present invention.

The Examiner contends that the terms "determining", "condition", and "verification information" in the step of "determining through the information portal if a condition is known by which the verification information was generated, if a portion of the verification information correlates with the program requirement" of claim 11 is not adequately described. The specification clearly states, on page 21, line 19, through page 22, line 5, that:

Returning to diamond 325, if a portion of the information does satisfy a predetermined requirement, the methodology advances to diamond 350. In diamond 350, the user 126 determines through the information provided through the information portal if conditions are known under which the existing durability data was generated. Advantageously, additional information from still another information database within the knowledge-based engineering library 112, such as noise criteria, may be utilized in further partitioning the data. If the conditions are not known, than the methodology advances to diamond 330 and continues.

Further, the specification clearly states, on page 22, lines 6 through 14, that:

Returning to diamond 350, if the conditions are known, the methodology advances to diamond 355. In diamond 355, the user 126 determines through additional information provided in the information portal screen if the degree of confidence in the existing verified data meets a predetermined criteria. For example, the user 126 may perform a computer-aided engineering (CAE) analysis to determine the degree of confidence in the existing data.

Based on the above, the specification adequately describes determining through the information portal if a condition is known by which the verification information was generated, if a portion of the verification information correlates with the program requirement. The term “determine” has its ordinary meaning of “to decide” if “conditions” are known under which the existing durability data was generated. One skilled in the vehicle art would clearly have sufficient information regarding the subject matter of the claims as to enable one skilled in the vehicle art to make and use the claimed invention. The Examiner’s expert systems examples are clearly misplaced and not applicable to the present invention. It is respectfully submitted that claims 1 through 16 are allowable over the rejection under 35 U.S.C. § 112, first paragraph.

Claims 1 through 16 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectively traverse this rejection.

The first paragraph of Section 112 provides that “the specification shall contain a written description of the invention . . .”. “The description requirement’s purposes are to assure that the applicant was in full possession of the claimed subject matter on the application filing date and to allow other inventors to develop and obtain patent protection for later improvements and subservient inventions that build on applicant’s teachings.” See In re Barker, 559 F.2d 588, 194 U.S.P.Q. 470 (C.C.P.A. 1977), cert. denied, 434 U.S. 1064 (1978); Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 19 U.S.P.Q.2d 1111 (Fed. Cir. 1991); and In re Dossel, 115 F.2d 942, 42 U.S.P.Q.2d 1881 (Fed. Cir. 1997).

Thus, the dispositive issue is whether Applicants' disclosure in the patent application relied upon "reasonably conveys to the artisan that the inventor had possession at the time of the later claimed subject matter". The threshold step in resolving this issue as set forth *supra* is to determine whether the Examiner has met his burden of proof by advancing acceptable reasoning inconsistent with the written description. This the Examiner has not done.

The specification clearly states, on page 14, line 13 through page 15, line 2, that:

In block 205, the user 126 determines specific program requirements related to the vehicle design 128 of the vehicle 10 and selects an information database for decision making purposes from an information portal displayed on the video terminal 124b. An example of a program requirement is information maintained within the knowledge-based library 112 regarding the type of vehicle 10 to be designed, such as passenger car or truck. Another example of a program requirement is anticipated production volume, or vehicle body style. Still another example of a program requirement is a warranty target. Advantageously, the user 126 may select a program requirement from an information portal screen displayed on the display terminal 124b containing a list of program requirements.

The specification clearly states, on page 6, lines 3 through 20, that:

The tools 100 include a knowledge-based engineering library 112 stored on an electronic storage device (not shown) that is operatively connected to a computer system 122 to be described. The knowledge-based engineering library 112 is a database of sub-libraries containing an electronic representation of data including various experts' knowledge of information relevant to the design of a vehicle 10 to be described. The knowledge-based engineering library 112 may include information such as design, assembly and manufacturing rules and guidelines. The knowledge-based engineering library 112 may also contain data in electronic form regarding various types of vehicle subsystems. The knowledge-based engineering library 112 may further contain predetermined product assumptions regarding the vehicle 10 to be designed, such as model year, style, or production volume.

Further, the specification clearly states, on page 15, lines 12 through 26, that:

In diamond 210, the methodology determines if the information from the information database correlates with the program requirements. For example, the information may be compared to the program requirements to determine if there is a change in a component part that would affect the use of the information in making an informed decision regarding the vehicle design 128. The information may also be compared to the program requirements to determine if there is a design or manufacturing process change that would affect the use of the information.

In addition, the specification clearly states, on page 16, lines 3 through 6, that:

In block 215, the methodology uses the information from the information database in making an informed decision regarding the design of the vehicle 10.

The specification also clearly states, on page 13, lines 20 through 22, that:

Examples of the type of information relevant to vehicle design 128 include warranty, product design data and manufacturing data.

The specification clearly states, on page 21, line 19, through page 22, line 5, that:

Returning to diamond 325, if a portion of the information does satisfy a predetermined requirement, the methodology advances to diamond 350. In diamond 350, the user 126 determines through the information provided through the information portal if conditions are known under which the existing durability data was generated. Advantageously, additional information from still another information database within the knowledge-based engineering library 112, such as noise criteria, may be utilized in further partitioning the data. If the conditions are not known, then the methodology advances to diamond 330 and continues.

Further, the specification clearly states, on page 22, lines 6 through 14, that:

Returning to diamond 350, if the conditions are known, the methodology advances to diamond 355. In diamond 355, the user 126 determines through additional information provided in the information portal screen if the degree of confidence in the existing verified data meets a predetermined criteria. For example, the user 126 may perform a computer-aided engineering (CAE) analysis to determine the degree of confidence in the existing data.

Based on the above, Applicants' disclosure reasonably conveys to the artisan that the inventor had possession at the time of the later claimed subject matter. Contrary to the Examiner's assertion, Applicants' have adequately described program requirement, library, correlates, and using the information. Finally, an artisan would reasonably understand from the Specification and drawings as a whole, what the program requirements are, that the information is in the knowledge-based library, that the information is compared to correlate it, and that the information is used by an operator to make an informed decision. Therefore, it is respectfully submitted that claims 1 through 16 are allowable over the rejection under 35 U.S.C. § 112, first paragraph.

Claims 1 through 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses this rejection.

Claims 1 through 16 are clear and definite as to the program requirement, library, correlates, and using the information. Such terms or phrases are interpreted in light of the specification. As to claim 2, claim 2 is clear and definite. The specification states on page 16, lines 10 through 13, that the user 126 determines if additional information from another database is available to assist in determining if the information database correlates with the program requirements. However, claim 2 has been amended to add the term "additional" to further clarify the claim. Therefore, it is respectfully submitted that claims 1 through 16 are allowable over the rejection under 35 U.S.C. § 112, second paragraph.

Claim 1 was rejected under 35 U.S.C. § 103 as being unpatentable over Juran (Juran on Quality by Design) in view of Tucker (The Computer Science and Engineering Handbook). Claims 2 through 6 were rejected under 35 U.S.C. § 103 as being unpatentable over Juran in view of Tucker. Applicants respectfully traverse both rejections.

The publication “Juran on Quality by Design” to Juran discloses new steps for planning quality into goods and services. A data base is a body of information derived from prior cycles of activity, and organized to aid in the conduct of future cycles. Data bases are the result of lessons learned from human experience. These lessons learned are then stored in memories to be used as needed. Figure 12-1 sets out the critical aspects of construction and use of data bases and the associated consequences. With respect to quality, the upper managers concluded that Taurus should be “Best in Class”: the quality should be equal or superior to that of any competing model in the “class,” domestic or foreign. Juran does not disclose the steps of selecting a vehicle program requirement from a library stored in a memory of a computer system, selecting an information database containing information related to the design of the vehicle from the library, determining if the information from the information database correlates with the program requirement, and using the information from the information database in the design of the vehicle. Juan also does not disclose that a library is accessed through an information portal on a computer system and an information database is accessed through the information portal.

The publication “The Computer Science and Engineering Handbook” to Tucker discloses the World Wide Web (WWW) is the fastest-growing protocol on the Internet. Tucker does not disclose a method of integrating product information management with vehicle design. Tucker also does not disclose selecting a vehicle program requirement from a library stored in a memory of a computer system, selecting an information database containing information related to the design of the vehicle from the library, determining if the information from the information

database correlates with the program requirement, and using the information from the information database in the design of the vehicle.

In contradistinction, claim 1 claims the present invention as a method of integrating product information management with vehicle design. The method includes the steps of selecting a vehicle program requirement from a library stored in a memory of a computer system, wherein the library is accessed through an information portal on the computer system. The method also includes the steps of selecting an information database containing information related to the design of the vehicle from the library, wherein the information database is accessed through the information portal. The method includes the steps of determining if the information from the information database correlates with the program requirement. The method further includes the steps of using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement.

The United States Court of Appeals for the Federal Circuit (CAFC) has stated in determining the propriety of a rejection under 35 U.S.C. § 103, it is well settled that the obviousness of an invention cannot be established by combining the teachings of the prior art absent some teaching, suggestion or incentive supporting the combination. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 U.S.P.Q. 929 (Fed. Cir. 1984). The law followed by our court of review and the Board of Patent Appeals and Interferences is that “[a] prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.” In re Rinehart, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143, 147 (C.C.P.A. 1976). See also In re Lalu, 747 F.2d 703,

705, 223 U.S.P.Q. 1257, 1258 (Fed. Cir. 1984) (“In determining whether a case of prima facie obviousness exists, it is necessary to ascertain whether the prior art teachings would appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification.”)

None of the references cited, either alone or in combination with each other, teach or suggest the claimed invention of claim 1. Specifically, Juran merely discloses new steps for planning quality into goods and services in which a data base is a body of information derived from prior cycles of activity, and organized to aid in the conduct of future cycles. Juan lacks a library accessed through an information portal on a computer system and an information database accessed through the information portal. Juran also lacks the steps of selecting a vehicle program requirement from a library stored in a memory of a computer system, selecting an information database containing information related to the design of the vehicle from the library, determining if the information from the information database correlates with the program requirement, and using the information from the information database in the design of the vehicle. In Juran, the steps include the use of a data base, but do not include selecting a vehicle program requirement from a library, selecting an information database containing information related to the design of the vehicle from the library, and determining if the information from the information database correlates with the program requirement. Contrary to the Examiner’s opinion, page 409 of Juran discloses that Figure 12-1 sets out the critical aspects of construction and use of data bases, which is not the same or similar to selecting an information database containing information related to the design of a vehicle, determining if the information from the information database correlates with the program requirement, or using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement.

Tucker merely discloses that the World Wide Web (WWW) is the fastest-growing protocol on the Internet. Tucker lacks a method of integrating product information management with vehicle design. Tucker also lacks selecting a vehicle program requirement from a library stored in a memory of a computer system, selecting an information database containing information related to the design of the vehicle from the library, determining if the information from the information database correlates with the program requirement, and using the information from the information database in the design of the vehicle. In Tucker, there is no integration of product information with vehicle design. Although Tucker discloses the Internet, it does not make up for the deficiencies in Juran such as selecting an information database containing information related to the design of a vehicle, determining if the information from the information database correlates with the program requirement, or using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement. There is no suggestion or motivation in the art to combine Juran and Tucker together.

The present invention sets forth a unique and non-obvious combination of a method of integrating product information management with vehicle design that links together various existing databases, system infrastructure and information sources to provide a user with access to information contained therein to assist the user in informed decision making. The references, if combinable, fail to teach or suggest the combination of a method of integrating product information management with vehicle design including the steps of selecting a vehicle program requirement from a library stored in a memory of a computer system, wherein the library is accessed through an information portal on the computer system, selecting an information database containing information related to the design of the vehicle from the library, wherein the information database is accessed through the information portal, determining if the information

from the information database correlates with the program requirement, and using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement as claimed by Applicants. Thus, the Examiner has failed to establish a case of prima facie obviousness. Therefore, it is respectfully submitted that claim 1 and the claims dependent therefrom are allowable over the rejections under 35 U.S.C. § 103.

Claim 7 was rejected under 35 U.S.C. § 103 as being unpatentable over Juran in view of Tucker. Claims 8 and 9 were rejected under 35 U.S.C. § 103 as being unpatentable over Juran in view of Tucker. Applicants respectfully traverse both rejections.

As to claim 7, claim 7 claims the present invention as a method of integrating product information management with vehicle design. The method includes the steps of selecting a vehicle program requirement from a library stored in a memory of a computer system, wherein the library is accessed through a web-based information portal on the computer system. The method also includes the steps of selecting an information database containing information related to the design of the vehicle from the library, wherein the information database is accessed through the information portal. The method includes the steps of determining if the information from the information database correlates with the program requirement and using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement. The method further includes the steps of selecting through the information portal additional information for determining if the information from the information database correlates with the program requirement, if the information from the information database does not correlate with the program requirement. The method includes the steps of determining if a portion of the information from the information database correlates with the program requirement based on the additional information and using

the portion of the information from the information database that correlates with the program requirement in the design of the vehicle.

None of the references cited, either alone or in combination with each other, teach or suggest the claimed invention of claim 7. Specifically, Juran merely discloses new steps for planning quality into goods and services in which a data base is a body of information derived from prior cycles of activity, and organized to aid in the conduct of future cycles. Juan lacks a library accessed through a web-based information portal on a computer system and an information database accessed through the information portal. Juran also lacks the steps of selecting a vehicle program requirement from a library stored in a memory of a computer system, selecting an information database containing information related to the design of the vehicle from the library, determining if the information from the information database correlates with the program requirement, and using the information from the information database in the design of the vehicle. Juran further lacks the steps of selecting through the information portal additional information for determining if the information from the information database correlates with the program requirement, if the information from the information database does not correlate with the program requirement, determining if a portion of the information from the information database correlates with the program requirement based on the additional information, and using the portion of the information from the information database that correlates with the program requirement in the design of the vehicle. In Juran, the steps include the use of a data base, but do not include selecting a vehicle program requirement from a library, selecting an information database containing information related to the design of the vehicle from the library, and determining if the information from the information database correlates with the program requirement. Also in Juran, there is no selecting through the information portal additional information for determining if the information from the information database correlates with the

program requirement, determining if a portion of the information from the information database correlates with the program requirement based on the additional information, and using the portion of the information from the information database that correlates with the program requirement in the design of the vehicle. Contrary to the Examiner's opinion, page 409 of Juran discloses that Figure 12-1 sets out the critical aspects of construction and use of data bases, which is not the same or similar to selecting an information database containing information related to the design of a vehicle, determining if the information from the information database correlates with the program requirement, or using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement.

Tucker merely discloses that the World Wide Web (WWW) is the fastest-growing protocol on the Internet. Tucker lacks a method of integrating product information management with vehicle design. Tucker also lacks selecting a vehicle program requirement from a library stored in a memory of a computer system, selecting an information database containing information related to the design of the vehicle from the library, determining if the information from the information database correlates with the program requirement, and using the information from the information database in the design of the vehicle. Tucker further lacks selecting through the information portal additional information for determining if the information from the information database correlates with the program requirement, if the information from the information database does not correlate with the program requirement, determining if a portion of the information from the information database correlates with the program requirement based on the additional information, and using the portion of the information from the information database that correlates with the program requirement in the design of the vehicle. In Tucker, there is no integration of product information with vehicle design. Although Tucker

discloses the Internet, it does not make up for the deficiencies in Juran such as selecting an information database containing information related to the design of a vehicle, determining if the information from the information database correlates with the program requirement, or using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement. The Examiner may not, because he/she doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967).

The present invention sets forth a unique and non-obvious combination of a method of integrating product information management with vehicle design that links together various existing databases, system infrastructure and information sources to provide a user with access to information contained therein to assist the user in informed decision making. The references, if combinable, fail to teach or suggest the combination of a method of integrating product information management with vehicle design including the steps of selecting a vehicle program requirement from a library stored in a memory of a computer system, wherein the library is accessed through a web-based information portal on the computer system, selecting an information database containing information related to the design of the vehicle from the library, wherein the information database is accessed through the information portal, determining if the information from the information database correlates with the program requirement, using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement, selecting through the information portal additional information for determining if the information from the information database correlates with the program requirement, if the information from the information database does not correlate with the program requirement, determining if a portion of the

information from the information database correlates with the program requirement based on the additional information, and using the portion of the information from the information database that correlates with the program requirement in the design of the vehicle as claimed by Applicants.

Further, the CAFC has held that “[t]he mere fact that prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification”. In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). The Examiner has failed to show how the prior art suggested the desirability of modification to achieve Applicants’ invention. Thus, the Examiner has failed to establish a case of prima facie obviousness. Therefore, it is respectfully submitted that claim 7 and the claims dependent therefrom are allowable over the rejections under 35 U.S.C. § 103.

Claim 10 was rejected under 35 U.S.C. § 103 as being unpatentable over Juran in view of Tucker. Claims 11 through 16 were rejected under 35 U.S.C. § 103 as being unpatentable over Juran in view of Tucker. Applicants respectfully traverse both rejections.

As to claim 10, claim 10 claims the present invention as a method of integrating product information management with vehicle design to verify existing information, using a computer system having a memory, a display device and a user interactive device. The method includes the steps of selecting a vehicle program requirement for the design of the vehicle from a library stored in a memory of the computer system, wherein the library is access through a web-based information portal displayed on the display device. The method also includes the steps of selecting an information database of verification information for the design of the vehicle, wherein the information database is accessed through the information portal. The method includes the steps of determining if the verification information from the information database correlates with the program requirement and using the information database in the design of the

vehicle if the verification information correlates with the program requirement. The method further includes the steps of selecting through the information portal additional information regarding the design of the vehicle and using the additional information to determine if a portion of the verification information correlates with the program requirement. The method includes the steps of using the portion of the verification information that correlates with the program requirement if determined that a portion of the verification information correlates with the program requirement. The method further includes the steps of generating new information if a portion of the verification information does not correlate with the program requirement.

None of the references cited, either alone or in combination with each other, teach or suggest the claimed invention of claim 10. Specifically, Juran merely discloses new steps for planning quality into goods and services in which a data base is a body of information derived from prior cycles of activity, and organized to aid in the conduct of future cycles. Juan lacks a library accessed through a web-based information portal on a computer system and an information database accessed through the information portal. Juran also lacks the steps of selecting a vehicle program requirement from a library stored in a memory of a computer system, selecting an information database containing information related to the design of the vehicle from the library, determining if the information from the information database correlates with the program requirement, and using the information from the information database in the design of the vehicle. Juran further lacks the steps of selecting through the information portal additional information regarding the design of the vehicle and using the additional information to determine if a portion of the verification information correlates with the program requirement, using the portion of the verification information that correlates with the program requirement if determined that a portion of the verification information correlates with the program requirement, and generating new information if a portion of the verification information does not correlate with the

program requirement. In Juran, the steps include the use of a data base, but do not include selecting a vehicle program requirement from a library, selecting an information database containing information related to the design of the vehicle from the library, and determining if the information from the information database correlates with the program requirement. Also in Juran, there is no selecting through the information portal additional information regarding the design of the vehicle and using the additional information to determine if a portion of the verification information correlates with the program requirement, using the portion of the verification information that correlates with the program requirement if determined that a portion of the verification information correlates with the program requirement, and generating new information if a portion of the verification information does not correlate with the program requirement. Contrary to the Examiner's opinion, page 409 of Juran discloses that Figure 12-1 sets out the critical aspects of construction and use of data bases, which is not the same or similar to selecting an information database of verification information for the design of a vehicle, determining if the verification information from the information database correlates with the program requirement, or using the information from the information database in the design of the vehicle, if the verification information correlates with the program requirement.

Tucker merely discloses that the World Wide Web (WWW) is the fastest-growing protocol on the Internet. Tucker lacks a method of integrating product information management with vehicle design. Tucker also lacks selecting a vehicle program requirement from a library stored in a memory of a computer system, selecting an information database containing information related to the design of the vehicle from the library, determining if the information from the information database correlates with the program requirement, and using the information from the information database in the design of the vehicle. Tucker further lacks selecting through the information portal additional information regarding the design of the

vehicle and using the additional information to determine if a portion of the verification information correlates with the program requirement, using the portion of the verification information that correlates with the program requirement if determined that a portion of the verification information correlates with the program requirement, and generating new information if a portion of the verification information does not correlate with the program requirement. In Tucker, there is no integration of product information with vehicle design. Although Tucker discloses the Internet, it does not make up for the deficiencies in Juran such as selecting an information database of verification information for the design of a vehicle, determining if the verification information from the information database correlates with the program requirement, or using the information from the information database in the design of the vehicle, if the verification information correlates with the program requirement. The Examiner may not, because he/she doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967).

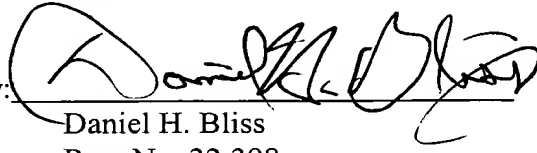
The present invention sets forth a unique and non-obvious combination of a method of integrating product information management with vehicle design that links together various existing databases, system infrastructure and information sources to provide a user with access to information contained therein to assist the user in informed decision making. The references, if combinable, fail to teach or suggest the combination of a method of integrating product information management with vehicle design to verify existing information including the steps of selecting a vehicle program requirement for the design of the vehicle from a library stored in a memory of the computer system, wherein the library is access through a web-based information portal displayed on the display device, selecting an information database of verification information for the design of the vehicle, wherein the information database is

accessed through the information portal, determining if the verification information from the information database correlates with the program requirement, using the information database in the design of the vehicle if the verification information correlates with the program requirement, selecting through the information portal additional information regarding the design of the vehicle and using the additional information to determine if a portion of the verification information correlates with the program requirement, using the portion of the verification information that correlates with the program requirement if determined that a portion of the verification information correlates with the program requirement, and generating new information if a portion of the verification information does not correlate with the program requirement as claimed by Applicants. Thus, the Examiner has failed to establish a case of prima facie obviousness. Therefore, it is respectfully submitted that claim 10 and the claims dependent therefrom are allowable over the rejections under 35 U.S.C. § 103.

Obviousness under § 103 is a legal conclusion based on factual evidence (In re Fine, 837 F.2d 1071, 1073, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988), and the subjective opinion of the Examiner as to what is or is not obvious, without evidence in support thereof, does not suffice. Since the Examiner has not provided a sufficient factual basis, which is supportive of his/her position (see In re Warner, 379 F.2d 1011, 1017, 154 U.S.P.Q. 173, 178 (C.C.P.A. 1967), cert. denied, 389 U.S. 1057 (1968)), the rejections of claims 1 through 16 are improper. Therefore, it is respectfully submitted that claims 1 through 16 are allowable over the rejections under 35 U.S.C. § 103.

Based on the above, it is respectfully submitted that the claims are in a condition for allowance or in better form for appeal. Applicants respectfully request reconsideration of the claims and withdrawal of the final rejection. It is respectfully requested that this Amendment be entered under 37 C.F.R. 1.116.

Respectfully submitted,

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